



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAR 13 2008

The Honorable Michael Flanagan
Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street
P.O. Box 30008
Lansing, MI 48909

Dear Superintendent Flanagan:

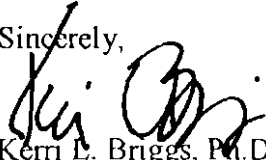
Thank you for your continuing efforts to successfully implement No Child Left Behind and ensure that all students are meeting high standards. As you know, Congress recently passed legislation to provide fiscal year (FY) 2008 funding for this important law. The legislation did not, however, appropriate any funds under Title V, Part A of the Elementary and Secondary Education Act (ESEA), which raises questions about the use of the transferability authority. Additional details are in the attached document, but to answer the question, a State and eligible districts may continue to transfer applicable FY 2008 funds to Title V, Part A.

The attached document provides additional information on the use of the transferability authority as well as certain other flexibility provisions in the ESEA - namely, funding under the Small, Rural School Achievement Program; and the Rural Education Achievement Program flexibility (REAP-Flex) - to support Title V, Part A activities during the upcoming school year. I hope that you find this flexibility useful as you consider ways to best use Federal funds to meet the needs of your students.

You should also know that the FY 2006 funds that States and districts previously received under the program remain available for obligation through September 30, 2008; the FY 2007 funds remain available for obligation through September 30, 2009. State and local school districts will not be receiving any new Title V, Part A funds for FY 2008.

If you have any questions about this matter, please do not hesitate to contact Jenelle Leonard of my staff at 202-401-3641 or email at Jenelle.Leonard@ed.gov.

Sincerely,


Kerri L. Briggs, Ph.D.
Assistant Secretary

Attachment

cc: Innovative Programs State Director
Rural Education Achievement Program State Coordinator

www.ed.gov

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

Our mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

**State Grants for Innovative Programs
Title V – Part A
FY 2008 Transferability and Flexibility Options**

Does the lack of FY 2008 funding for Title V, Part A affect a State or district's ability to transfer FY 2008 funds from other programs into Title V, Part A?

No. Subject to the limitations in section 6123(a) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), a State may, continue to transfer, through September 30, 2009, FY 2008 non-administrative funds allocated for State-level activities under the following programs to Title V, Part A:

- Improving Teacher Quality State grants;
- Educational Technology State grants;
- Safe and Drug-Free Schools and Communities Governor's funds, with the agreement of the Governor;
- Safe and Drug-Free Schools and Communities State Educational Agency funds; and
- 21st Century Community Learning Centers grants.

Subject to the 50 percent statutory limitation, a State may also transfer these funds to its allocation under Part A of Title I, or to one or more of the other programs covered by the transferability authority. A State may *not* transfer any funds *from* Part A of Title I.

Similarly, subject to the limitations in section 6123(b) of the ESEA, as amended by the NCLB, a district may, if it so chooses, transfer FY 2008 funds that it receives by formula under the following programs to Title V, Part A:

- Improving Teacher Quality State grants
- Educational Technology State grants
- Safe and Drug-Free Schools and Communities grants

A district may also transfer applicable funds *to* its allocation under Part A of Title I, or to a one or more of the programs covered by the transferability authority. A district may *not* transfer any funds *from* Part A of Title I.

Districts that have been identified for improvement may only transfer up to 30 percent of the applicable funds, and districts identified for corrective action are precluded from transferring any funds.

The Department encourages State or district officials who are contemplating transferring funds to review the transferability requirements outlined at www.ed.gov/programs/transferability.

**State Grants for Innovative Programs
Title V – Part A
FY 2008 Transferability and Flexibility Options**

Does the lack of FY 2008 funding for Title V, Part A affect a district's ability to use funds it receives under the Small, Rural School Achievement (SRSA) program to support activities authorized under Part A of Title V?

No. Districts that receive a grant under the SRSA program may continue to use their SRSA funds to carry out local activities authorized under Part A of Title V as well as under certain other programs identified in the SRSA.

The Department encourages district officials who receive SRSA funding to review the program requirements outlined at www.ed.gov/programs/reapsrsa.

Does the lack of FY 2008 funding for Title V, Part A affect an eligible district's ability to exercise the authority under the Rural Education Achievement Program flexibility (i.e., REAP-Flex) to support activities authorized under Part A of Title V?

No. Districts that are eligible for SRSA funding may continue to exercise REAP-Flex authority to use any funds that they receive under the Improving Teacher Quality, Educational Technology, and Safe and Drug-Free Communities grant programs to carry out local activities authorized under Part A of Title V as well as activities authorized under certain other programs identified in the REAP legislation.

The Department encourages district officials who are contemplating using the REAP-Flex authority to review the applicable requirements outlined at www.ed.gov/programs/reapsrsa.